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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,748	12/06/2001	Craig A. Paulsen	406590	6019

27717 7590 12/07/2005

SEYFARTH SHAW LLP
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SUITE 4200
CHICAGO, IL 60603-5803

EXAMINER

HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/008,748	PAULSEN ET AL.	
	Examiner	Art Unit	
	John M. Hotaling II	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-72, 74 and 75 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 60-72, 74 and 75 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60-73, 74, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,605,506 to Hoorn et al. (Hoorn) and further in view of US Patent No. 6,897,624 to Lys et al (Lys) and Irving US Patent 3,987,401. The previous office action is relevant and incorporated herein. Hoorn teaches a gaming machine (4:48-49), a user input mechanism (4:49-50), an external visual indicator providing illumination in multiple colors (5: 1-13), the colors are illuminated in a controlled fashion as a result of different events (5:1-13) such as jackpots (Abstract) and requirements for service (5:8-12), the external visual indicator is a cylindrically shaped electronic candle (Fig. 3), the customized illumination pattern is a two-stage candle with different light sources (5:41-43). A processor controlling game input and illumination output is inherent with gaming machines and is supported through the disclosure of the gaming machine maybe any variety of computer (3:60-63). Hoorn does not teach using LEDs or illumination patterns using the LEDs. Instead Horn teaches and provides motivation to find other light sources in column 6:18-24 that regardless of the means by which the top and bottom stages are colored, the particular colors of the top and bottom stages will generally be different and chosen according to a casino operator's preference. In an analogous invention to Lys therein is disclosed an intelligent lighting device that can receive signals

and change the illumination conditions as a result of the received signals. The lighting device can change hue, saturation, and brightness as a response to received signals. One example of using such a lighting device is to display particular colors as a response to certain events (abstract). Column 6 discloses how the LCD device may be controlled and the transmission of the control. Column 9 discloses that the illumination source may be anything. Column 11 discloses how the combination of red green and blue LEDs can be controlled to provided different lighting effects. Column 12:20-35 discloses that the lighting device may be any shape, size, shading, material or selected for its light transmitting properties. Column 18 discloses control with PWM. Columns 27-30 disclose how a LCD screen may change color using the control system of the invention by changing the backlighting in accordance with a condition The reference to Irving is added to the combination to provide increased motivation for the combination to teach what has been long known in the art with respect to the replacement of incandescent light bulbs with LED's. Specifically column 1 background states "Light emitting diodes are replacing light bulbs in modern indicating systems. These diodes are known for their long life and, as manufacturers develop LED's of various colors, will prove ideal as indicators. One manufacturer, Monsanto, sells a part (part no. MV5491) having a red and a green LED in the same translucent package. The LED's are wired in parallel and reverse polarity oriented. When current flows through the part in one direction it emits red light, green light being emitted with a reverse current flow. This is one of many parts which is the product of a modern technology and which would be ideally suited in a variety of indicator applications." . It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoorn to replace the current

illumination display for an inexpensive LED light display using the motivation provided in Hoorn that regardless of the means by which the top and bottom stages are colored, the particular colors of the top and bottom stages will generally be different and chosen according to a casino operator's preference using the motivation provided above and added by the inclusion of the reference to Irving which defines the level of ordinary skill.

Response to Arguments

Applicant's arguments with respect to claims 60-73 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN M. HOTALING, II
PRIMARY EXAMINER

December 5, 2005